

220

Project Environmental Documentation

- 220.01 General
- 220.02 Definitions
- 220.03 Project Classification
- 220.04 Class I, EIS
- 220.05 Class II, CE
- 220.06 Class III, EA/Checklist
- 220.07 Project Reevaluation
- 220.08 Project Reviews

220.01 GENERAL

Federal and state regulations require WSDOT to document the environmental impacts of a transportation project. When appropriate, other public and governmental agencies are involved in the decision-making process.

The project must comply with the following state legislation:

- State Environmental Policy Act (SEPA) of 1971, as supplemented in 1983, RCW 43.21C.
- SEPA Rules, Chapter 197-11 WAC.
- WSDOT Environmental Policy Act Rules, Chapter 468-12 WAC.

When the project involves only state funds or state permits, its documentation is governed only by state legislation.

When the project involves federal funds or federal permits, its environmental documentation is also governed by the:

- National Environmental Policy Act (NEPA) of 1969, 42-USC-4332.
- "Council on Environmental Quality Regulations for Implementing NEPA," 40 CFR Parts 1500-1508, November 29, 1978.
- Federal Highway Administration - Urban Mass Transportation Administration, "Environmental Impact and Related Procedures," 23 CFR Part 771, 49 CFR Part 622.

Environmental documentation starts with project classification, which is normally the initial step of project development. WSDOT requires the use of an interdisciplinary approach to assess the social, economic, and environmental impacts of the project. Activities such as budgeting, prospectus development, and legislative or feasibility studies may already have been completed. At the discretion of the district, other activities such as preliminary engineering and surveys, soil survey, or location decisions could be done in conjunction with or prior to preparing the environmental document.

A flow chart (Figure 220-1) of the environmental process is included at the end of this section.

220.02 DEFINITIONS

Categorical Exclusions (CE) - NEPA or Categorical Exemptions (CE) - SEPA Actions that do not individually or cumulatively have a significant effect on the environment.

Commitment File A file established by the district that identifies department commitments incorporated into the design and construction of a project.

Determination of Nonsignificance (DNS) The written decision by the District Administrator that a proposal will not have a significant environmental impact and no EIS is required (WAC 197-11-340).

Determination of Significance The written decision by the District Administrator that a proposal could have significant adverse impact and therefore require an EIS (WAC 197-11-360).

Discipline Report A report documenting findings concerning impacts of the project relative to an individual area of expertise. The report evaluates the impacts of the proposal and, where appropriate, includes recommendations concerning the course of action considered most desirable to fulfill the requirements of environmental laws and regulations addressed by the discipline.

Environmental Assessment (EA) A document prepared for federally funded, permitted, or licensed projects that are not categorical exclusions (CE) but do not appear to be of sufficient magnitude to require an EIS. The EA provides sufficient analysis and documentation to determine if an EIS or a Finding of No Significant Impact (FONSI) should be prepared.

Environmental Checklist A state agency document used to determine if an action will significantly impact the environment. The checklist form contained in WAC 197-11-960 is used for all actions not categorically exempt or not clearly requiring an EIS.

Environmental Classification Summary (ECS) A form (DOT Form 220-010 and 220-010A) used to evaluate and classify projects for the biennial budget or for later addition to the budget. The completed form is submitted by the district to the State Project Development Engineer for approval and FHWA concurrence if federal funds are involved.

Environmental Document A collective term used for any document that identifies the social, economic, and environmental effects of a proposed action.

Environmental Impact Statement (EIS) A detailed written statement of project environmental effects required by state and/or federal law. This term refers to either a draft or final environmental impact statement, or both, depending on context.

Draft Environmental Impact Statement (DEIS) A document identifying a course of action, alternative actions, analysis of the environmental impacts of alternates considered, and proposed mitigation of impacts. The DEIS is circulated to other agencies and the public for review and comment.

Final Environmental Impact Statement (FEIS) A document containing an evaluation of the course of action that WSDOT intends to follow. It contains the same information required for the DEIS, with appropriate revisions reflecting comments received from circulation of the DEIS and from public meetings.

Finding of No Significant Impact (FONSI) A federal lead agency document presenting the reasons why a proposal will not significantly affect the environment and therefore will not require an EIS. The FONSI includes the EA and references any other related environmental documents.

Lead Agency A federal or state agency taking primary responsibility for preparing an environmental document.

Public Involvement Plan A plan developed by the district outlining the public involvement activities to be used on a project to present information, obtain comments, and ensure consideration of public opinion.

Record of Decision (ROD) A document prepared by the federal lead agency after an EIS has been completed, outlining the final decision on a proposal. It identifies the decision, alternatives considered, measures to minimize harm, and a monitoring or enforcement program.

Section 4(f) Evaluation A document presenting the consideration, consultations, mitigative measures, and alternatives studied for the use of properties identified in Section 4(f) of the U.S. Department of Transportation Act as amended (49 USC 1653H).

Notice of Intent A federal notice, printed in the Federal Register, advising that an EIS will be prepared and considered for a proposal.

Study Plan An outline of the study process for the development of a project requiring an environmental impact statement.

220.03 PROJECT CLASSIFICATION

(1) Programmed and Unprogrammed Projects

At the program development stage, each project is evaluated and classified according to its magnitude and potential for significant social, economic, and environmental impact. For all projects, the district prepares an

Environmental Classification Summary (ECS) and submits it to the headquarters Project Development Office for technical review and approval.

The headquarters Project Development Office submits the approved ECS to the Federal Highway Administration (FHWA) for concurrence for NEPA projects only. If FHWA requests additional information, the headquarters Project Development Office coordinates the request between the district and FHWA. When FHWA concurs with the ECS, the headquarters Project Development Office returns the ECS, along with any comments, to the district.

(2) Category A, B, C Projects - NEPA/SEPA Documentation

- (a) The following categories of projects are qualified for federal aid by complying with NEPA regulations. FHWA serves as lead agency.
- All Category A and B projects meeting 3R or full design standards.
 - All Category A, B, & C projects eligible for Bridge Replacement (BR) or Discretionary Bridge Replacement (DBR) funds.
 - All Category C projects classed as NEPA Categorical Exclusions. When these projects require a Coast Guard permit, the headquarters Project Development Office will obtain NEPA CE concurrence from the permitting agency.
- (b) For all other Category C projects which do not qualify for federal aid but do require federal permits, the department completes the SEPA document and the federal permitting agency serves as lead agency for completion of the NEPA document. Document preparation is a coordinated effort between the lead agency and the department.

(3) Classification

All WSDOT projects are classified as follows:

- (a) **Class I, NEPA/SEPA - Environmental Impact Statement (EIS).** Actions likely to have significant impact on the environment by altering land use, planned growth development patterns, traffic volumes, travel patterns, transportation services, or natural resources, or by creating public controversy. An EIS can be prepared without developing an Environmental Assessment. Refer to 220.04.
- (b) **Class II, NEPA-Categorical Exclusion/ SEPA - Categorical Exemption (CE).** Actions that do not have a significant impact on the environment or involve substantial planning time or resources. These actions are specifically identified in 23 CFR 771.115 for federally funded or permitted projects and WAC 197-11-800 and 197-11-860 for state and locally funded projects. Unless specifically requested by other agencies or the public, these actions do not

require an EIS or Environmental Assessment. A SEPA checklist may be required if right of way or state permits are required. Refer to 220.05.

- (c) **Class III, NEPA - Environmental Assessment (EA)/SEPA - Check list.** Actions in which the significance of the impact on the environment is not clearly established. An EA or SEPA checklist is prepared to determine the extent of environmental impact and is used to determine whether an EIS need be prepared. No EIS is required when the EA supports a Finding of No Significant Impact and SEPA Determination of Nonsignificance on a project involving federal funds or permits. Similarly, a SEPA check list supports a Determination of Nonsignificance for a state project and no EIS is required.

220.04 CLASS I, EIS

(1) Project Initiation

The district initiates the project by submitting a Work Order Authorization (DOT Form 120-020) to the Program Development Office for review and approval.

The Program Development Office approves the Work Order Authorization and notifies the district and the headquarters Project Development Office of approval. The headquarters Project Development Office contacts the district to coordinate the project environmental and public involvement requirements.

(2) Notice of Intent

For a project involving federal funds or federal permits, after the Work Order Authorization is approved, the district prepares a Notice of Intent for publication in the Federal Register, advising federal agencies that an EIS will be prepared. The contents and guidelines for preparation of the notice are found in FHWA Notice T6640.8A. The notice is submitted to the headquarters Project Development Office which submits it to the federal lead agency for placement in the Federal Register.

(3) Interdisciplinary Team (IDT) and Project Manager (PM)

The district appoints an IDT, consisting of three to five various disciplines, which functions as an advisory board to the District Administrator. The district may also appoint other support disciplines to do specific expertise studies. These may be appointed from the district and headquarters. The IDT and support disciplines provide objective, in-depth studies, analyses, reports, guidance, and recommendations concerning the proposed improvement as it relates to social, economic, and environmental issues. The District Administrator delegates the administrative responsibilities of the project to a PM and provides support staff to assist in the administration of the project. Which disciplines and personnel are selected for

the IDT depends on the nature and magnitude of each project.

WSDOT personnel are assigned when available and may be supplemented by consultants, personnel from other state or local agencies, and disciplines from within the community. Assistant Secretaries, the State Project Development Engineer, the IDT, community groups, and planning agencies may suggest the assignment of additional disciplines. IDT members and support disciplines have expertise in such areas as: acoustics, air quality, archaeology, architecture, biology, botany, communications, economics, geology, hydrology, landscape architecture, meteorology, sanitary engineering, sociology, structural engineering, transportation planning, urban planning, and water quality.

Duties and responsibilities of the IDT include:

- Review and approval of a Study Plan and a Public Involvement Plan.
- Evaluation of alternative courses of action.
- Preparation of reports (data and conclusions of technical studies, views of citizens, officials, and groups).
- Submission of recommendations to the PM.

The PM, in consultation with the various disciplines, prepares a proposal, identifies the affected parties, and outlines environmental concerns and alternatives to be included in the scoping process.

(4) Scoping

Scoping is a process used to identify all significant issues and alternatives for the EIS and to have them presented as early as possible. Specific scoping objectives are:

- To identify the affected public and agency concerns.
- To facilitate an efficient EIS preparation process by identifying the cooperating agencies, ascertaining which related permits and reviews need to be scheduled concurrently, and setting completion time limits.
- To define the issues and alternatives to be examined in detail in the EIS.
- To save time by ensuring that draft statements adequately address relevant issues and that a statement will not have to be rewritten or supplemented.

The beginning of the scoping process usually consists of informal meetings or open houses. Either prior to or during these sessions, the district provides to the affected agencies, Indian tribes, and any other groups, organizations or agencies known to have interest in the project, information about the proposal including a brief description, proposed alternatives, probable environmental impacts and issues, maps, drawings, and a brief explanation of the scoping procedure.

The district also holds an orientation meeting for the IDT and support disciplines providing as much project information as available including maps, profiles, possible R/W requirements for alternatives, traffic for alternatives, draft study plan, and available construction costs. The disciplines will identify any additional information they require.

The scoping process continues through the development of the DEIS. It includes telephone conversations, and written comments involving various agencies, interest groups and individuals. The PM is responsible for development, documentation, and coordination of the scoping process.

(5) Study Plan and Public Involvement Plan

The headquarters Project Development Office reviews and approves the Study Plan/Public Involvement Plan. The approved Study Plan/Public Involvement Plan is then submitted to the district for implementation.

- (a) Study Plan.** A Study Plan is completed immediately after the issues and alternatives have been identified in the initial stages of the scoping process. The Study Plan, which shows the project environmental studies to be conducted, is prepared by the PM and approved by the IDT, the district, and the headquarters Project Development Office. The Study Plan is an outline of the scope and level of effort intended for identification of interdisciplinary participants, public involvement, alternatives to be studied, and social, economic, and environmental issues.

The following is the general format for the data in the Study Plan:

1. Title sheet:
 - a. Project title.
 - b. Date.
 - c. Approval date and signatures of:
 - Team Chairman
 - District Administrator
 - Assistant Secretary for Highways
2. Vicinity map.
3. Need and purpose:
 - a. Need (known deficiencies).
 - b. History (if applicable).
 - c. Purpose of project.
4. Scope of work:
 - a. Interdisciplinary approach. (Briefly describe how the team uses interdisciplinary information to reach decisions.)
 - b. Alternatives.
 - c. Public involvement summary.

- d. Brief description of areas of primary importance.

5. Studies to be prepared and areas of responsibility:
 - a. List of studies to be prepared and disciplines assigned study responsibility.
 - b. Identify IDT members, project manager and IDT chairman.
 - c. Identify education and experience record of all expertise including only the information required for an EIS.
6. Manpower and budget requirements.
7. Schedule.
8. Appendix: Public Involvement Plan.

- (b) Public Involvement Plan.** The Public Involvement Plan is an integral part of the Study Plan. Its objectives are to outline the procedures by which information will be presented to the public, obtain comments, and ensure consideration of public opinion. Details of the Public Involvement Plan are contained in Chapter 210.

(6) Selection of Alternatives

The PM develops preliminary alternatives. The IDT studies all proposed alternatives and determines social, economic, and environmental effects. Generally, each alternative is developed to the same level of detail so comparisons of effects can be made. Alternatives should be openly discussed with all affected groups.

The alternatives to be studied are determined by the PM and the IDT. A listing of the features to be considered for each alternative along with a comparative matrix to assess differences is shown in the WSDOT *Environmental Procedures Manual* M 31-11.

Alternatives normally include the following:

- The no-action alternative, which could include short-term minor reconstruction activities (safety improvements, etc.) that are part of an ongoing plan for continuing operation of the existing roadway.
- Improve existing facility, which could include resurfacing, restoration, and rehabilitation (3-R) plus reconstruction (4-R) types of activities, high occupancy vehicle lanes (HOV), park and ride facilities, and other minor improvements.
- Multimodal alternatives, include public transit, rail, water, and air transportation, or other modes of transportation dictated by the characteristics of the study area. These may be under the jurisdiction of other lead agencies and require early coordination.
- New transportation routes and locations.
- Multiple alternatives identified above.

(7) Data Collection, Inventory, and Evaluation

The IDT develops an inventory of social, economic, environmental, and engineering data. The information is used to define the environment, predict and analyze impacts of project implementation, help select the least environmentally damaging alternative, serve as a data base for environmental documents, and provide information to other agencies, interest groups, or individuals.

The sources of data include, but are not limited to, field studies, consultation and coordination with other agencies, and the public. The *Environmental Procedures Manual* M 31-11 and FHWA Technical Advisory T6640.8A, are guides to the type of information, depth of study, and procedures used in collection, inventory, and evaluation of required environmental data. The following is a list of expertise areas considered in the development of an environmental document.

- Geology and Soils.
- Topography and Sundry Sites.
- Waterways and Hydrological Systems.
- Water Quality.
- Flood Plains.
- Wetlands.
- Farmlands.
- Vegetation.
- Wildlife and Wildlife Habitat.
- Hazardous Waste.
- Transportation.
- Air Quality.
- Noise.
- Energy.
- Visual Quality.
- Regional and Community Growth-Population Characteristics.
- Land Use.
- Disruptions, Displacements and Relocation - Changes in Community Character.
- Employment.
- Property values.
- Taxes.
- Overall Economic Activity - Output of Goods, Services, and Agricultural Products.
- Services.
- Sites of Recreational, Cultural, Historic, and Archaeological Significance.

(8) Reports and Recommendations

(a) Discipline Reports. After data has been collected, inventories compiled, and analyses completed, each discipline prepares a report. The report documents the technical studies and investigations performed,

contains a summary of findings, and lists recommendations. The individual reports are submitted to the Project Manager for review.

Since the report communicates equally with technical and nontechnical groups, a summary of the report is written to present the significant findings of the study and the recommendations in non-technical terms. The information is presented in a form suitable for incorporation into the environmental document and for presentation at public hearings or use by management and lay groups in decision making.

The technical portion provides evidence that all the major potential areas of impact have been considered, presents information to support the findings of significance and effect, and demonstrates clearly that the study is in compliance with the requirements of environmental law. The following is a general format for a complete discipline report:

- Summary of report findings, conclusions, and recommendations.
- Background discussion.
- Study methodology.
- Coordination with other groups or agencies.
- Affected environment (existing conditions).
- Prediction of impacts of each alternative.
- Mitigation recommended for construction and operational impacts.
- Bibliography.

(b) Preliminary Recommendations. The Project Manager and the IDT review all discipline reports and develop preliminary recommendations after discussing the various alternative trade-offs. The district submits the preliminary recommendations to the headquarters Project Development Office for review and approval. After approval they are returned to the district.

The preliminary recommendation would normally include:

- A description of alternatives to be considered in the DEIS.
- Identification of a preferred alternative if one exists.
- Identification of significant impacts and possible mitigation.
- A discussion of controversial areas and proposed coordination to resolve.
- Identification of any changes in the proposal as originally defined in the Study Plan.

(c) Draft Environmental Impact Statement (DEIS) and Commitment File. The DEIS is the initial WSDOT project report. It identifies the alternative actions and presents an analysis of their impacts on the environment. It may identify a recommended

course of action but need not if one is not clearly preferred. The DEIS summarizes the early coordination process, including scoping, and identifies the key issues and pertinent information received through these efforts.

For projects requiring federal funds or federal permits, all EIS documentation must comply with the requirements of NEPA and the Council on Environmental Quality (CEQ) guidelines.

Other EIS documentation uses SEPA guidelines as the controlling authority. EIS documentation that meets NEPA requirements satisfies SEPA, but SEPA documents do not necessarily satisfy NEPA.

All EISs are written following the *Environmental Procedures Manual* M 31-11.

On projects where federal agencies have funding or permitting responsibility, one federal agency is the lead agency. WSDOT and the federal lead agency are mutually responsible for the environmental document. Any other federal agency may be involved as a cooperating agency. Projects jointly developed with a federal agency are prepared to comply with that agency's regulations and guidelines.

The headquarters Project Development Office prepares a preliminary DEIS using reports and/or data supplied by the IDT, the district, and other sources. The district prepares a commitment file consisting of proposed mitigating measures, commitments made to resource agencies or other agencies with permitting authority, and any other commitment made on behalf of the project. The commitment list is sent to the headquarters Project Development Office. Upon completion of the preliminary DEIS, the headquarters Project Development Office submits the document to the district for review and comment. See 220.08 for other commitment file requirements.

The headquarters Project Development Office coordinates reviews by various headquarters expertise, the Attorney General's office (on controversial projects), and appropriate federal agencies. Review comments are returned to the district for revision of the preliminary DEIS as appropriate. After reviewing changes made in response to comments on the preliminary DEIS, the district submits the DEIS to the Assistant Secretary for Highways who approves the DEIS by signing the title page and obtains concurrence for circulation by signature of appropriate federal official on the title page. The signed title page and approval to print the DEIS are returned to the district and the document is printed. Required copies of the document are submitted to the headquarters Project Development Office.

If the project involves federal funds or permits, the headquarters Project Development Office submits the DEIS to the federal lead agency for transmittal to the EPA for their processing and placement of a notice in the Federal Register. A comment period of not less than 45 days begins upon publication of the notice in the Federal Register. For state funded projects, the DEIS is submitted to the DOE and a comment period of not less than 30 days is established from the date DOE receives the document.

Circulation of the DEIS is a shared responsibility between the district and the headquarters Project Development Office. The headquarters Project Development Office circulates to WSDOT headquarters offices, the Attorney General, DOE, the Transportation Commission, the State Library, and FHWA. The headquarters Project Development Office requests that the DOE send the DEIS to the Washington State Conservation Commission per Memorandum of Understanding GC 7141. The district makes all other circulation, which is normally to any agency, affected Indian tribe, organization, public official, or person who expresses interest or requests the DEIS, any federal agency having jurisdiction by law or special expertise with respect to an environmental impact, any governmental agency authorized to develop and enforce environmental standards, and any governmental agency authorized to issue permits. When visual impacts are a significant issue, the DEIS should be circulated to officially designated local arts councils and, as appropriate, other organizations interested in design, art, and architecture. Generally, all copies sent out during the circulation of the DEIS are furnished free of charge. After initial circulation a fee may be charged which is not more than the cost of printing.

(d) Draft Section 4(f) Evaluation. When a project involves USDOT funding or USDOT permits and requires the use of any publicly owned land from a park, recreation area, wildlife or waterfowl refuge, or a cultural resource site on or eligible for the National Register of Historic Places, a Section 4(f) evaluation must be included in a separate section of the environmental document. A separate evaluation is prepared for each location within the project where the use of Section 4(f) property is being considered. The Section 4(f) evaluation must include:

- Description and need for the proposed action.
- Description of the Section 4(f) properties.
- Impacts on the resource by each alternative.
- Alternatives that avoid Section 4(f) properties and their impacts.
- Measures to minimize harm.
- Coordination with appropriate agencies.

Also refer to 220.04(10) for additional requirements of a final Section 4(f) evaluation.

The DEIS/Section 4(f) evaluation report must be circulated to the Secretary of the U.S. Department of the Interior for a 45-day review and comment period. When appropriate, the Secretary of Housing and Urban Development and the Secretary of Agriculture (federal) are also given an opportunity to review the proposal. When a Section 4(f) property is identified after the DEIS and/or FEIS has been processed, a separate Section 4(f) evaluation is prepared, circulated for comment, and finalized.

- (e) **Section 106 Preliminary Case Report.** All projects which involve the acquisition of right of way or excavation within existing right of way have potential to be surveyed and inventoried for cultural resources to determine if resources exist and if sites qualify for inclusion in National Register of Historic Places.

When cultural resources are discovered the following steps are taken (headquarters normally takes the lead in these actions):

- Send Determination of Eligibility form and cultural resource report to the State Historic Preservation Officer (SHPO).
- When eligible, send Determination of Effect form to SHPO for concurrence.
- If resource property is affected, apply the Criteria of Adverse Effect and get SHPO's concurrence.
- When there is an adverse effect, prepare a Section 106 Preliminary Case Report as per 36 CFR 800. Report generally identifies any adverse effects and actions taken to mitigate effects.
- Report sent to Advisory Council on Historic Preservation, through SHPO, requesting comments.
- Prior to FEIS preparation, participate in the development of a Memorandum of Agreement with the Advisory Council, SHPO, and FHWA that includes measures to avoid, mitigate, or accept the adverse effects on a resource.

Section 106 property also meets the requirements for Section 4(f) evaluations when the site in question is on or eligible for the National Register of Historic Places and if it has been determined that the proposed project will have an adverse effect upon the site. When this is the case, the Section 106 Preliminary Case Report and Draft Section 4(f) evaluation will be one document to satisfy the requirements of both laws.

(9) Hearings and Notices

When the department advertises notices for corridor, design, or combined corridor-design hearings, or offers a notice of opportunity for public hearing, the notice

announces the availability of the environmental document and where it may be obtained and/or reviewed. If there is involvement in wetlands, flood plains, Section 4(f) lands, or endangered species, this information is included in the notice. Where hearings are not required by statute, an informational meeting may serve as a useful forum for public involvement in the environmental process. See Chapter 210 for further hearings requirements.

(a) References:

- Council on Environmental Quality (CEQ) Regulations - 1506.6
- USDOT Order 5610.1C
- 23 CFR Part 771
- WAC Orders 197-11-502, 535
- WAC Order 468-12-510

(b) SEPA.

1. **Public Hearings.** Public hearings on SEPA projects are held whenever one or more of the following situations occur:
 - a. WSDOT determines that a hearing is needed to assist in implementing the requirements of SEPA.
 - b. Fifty or more persons reside within the project area or are adversely affected by the environmental impact of the proposal and make a written request for a hearing.
 - c. Two or more agencies with jurisdiction over the proposal request a hearing.
2. **Public Notice of Availability/DEIS.** WSDOT is required to use the public notice procedures detailed in WAC 468-12-510(c) to inform the public that the DEIS is available and the procedures for requesting a public hearing. If a hearing is required to fulfill any legal requirements, include information on the availability of the DEIS in the notice. The public notice requirements include: publication of notice in a newspaper of general circulation in the county, city, or general geographic area where the proposal is located; notifying agencies with jurisdiction, affected Indian tribes, and those groups that are known to be interested in the proposal or who have commented in writing about the proposal; contacting news media and placing notices in appropriate regional, neighborhood, or ethnic periodicals. Publish the notice at least 30 days in advance of the public hearing. The available environmental document continues to be open to consideration and comment.

The DEIS Notice of Availability contains the following basic elements:

- Location of project.
- Brief description.

- Purpose of statement.
- Responsible agency.
- Where documents are available.
- Where to send comments.

3. Public Notice of Availability/FEIS. WSDOT notifies the public in the similar manner as for the DEIS excluding the last item. FEIS notification procedures are detailed in WAC 468-12-510(d).

(c) NEPA.

1. Public hearings are required for NEPA projects when:
 - a. Substantial environmental controversy exists,
 - b. The department has a substantial interest in holding a hearing, or
 - c. An agency with jurisdiction over the proposal (permitting agency) requests a hearing.
2. The notices of availability are similar to the SEPA notices with the inclusion of the name of the federal lead agency. If there is involvement in flood plains, wetlands, Section 4(f) land, or endangered species, this information is included in the notice. These notices are printed in the Federal Register by the lead agency at least 30 days in advance of the public hearing.

(10) Final Reports and Approvals

(a) Final Recommendation. The district reviews comments from the hearings and those received from evaluation of the DEIS and prepares a hearing summary that is submitted to the headquarters Project Development Office for review. The district then analyzes and coordinates comments on the DEIS with the IDT and the headquarters Project Development Office, and prepares a final recommendation. The final recommendation contains:

1. Description of the preferred alternative.
2. Identification of proposed measures to minimize harm.
3. Monitoring or enforcement programs required to ensure implementation of mitigation measures. The district submits this recommendation, with appropriate comments, to the headquarters Project Development Office for review and coordination within headquarters. When the headquarters Project Development Office approves the recommendation it becomes the WSDOT recommendation.

(b) Final Environmental Impact Statement and Commitment File. The headquarters Project Development Office prepares the FEIS and coordinates preparation and processing procedures with the district. The document contains the WSDOT final

recommendation or preferred alternative, discusses substantive comments received on the DEIS, summarizes citizen involvement, and describes procedures required to ensure that mitigation measures are implemented. The FEIS also documents compliance with environmental laws and Executive Orders.

The district also resubmits the commitment file including new commitments made since the first submittal. Details on establishing and maintaining the commitment file are located in 220.08.

CEQ regulations state that when the DEIS adequately identifies and quantifies the environmental impacts of all reasonable alternatives, and it is apparent that changes in the proposal will be minor, or only minor comments are received from circulation of the DEIS, the FEIS can consist of the DEIS and attachments containing the following:

1. Errata sheets making corrections to the DEIS.
2. A section identifying the preferred alternative and a discussion of the reasons why it was selected and others were not. If applicable, this section also contains the final Section 4(f) evaluation, wetlands findings, flood plain findings, and a list of commitments for mitigation measures.
3. Summary of comments and responses from circulation of the DEIS and public hearings.

The headquarters Project Development Office reviews the preliminary FEIS and obtains reviews by the Attorney General's office (on controversial projects) and the appropriate federal agency. Review comments are provided to the district for use in revising the FEIS. The district prepares a draft Record of Decision (ROD) and submits it to the headquarters Project Development Office along with the FEIS. The headquarters Project Development Office reviews the FEIS, the Assistant Secretary for Highways signs the title page, and approval for printing is obtained from the federal lead agency.

The district prints the FEIS and submits it to the headquarters Project Development Office, which submits the FEIS and the draft ROD to the appropriate federal agency for signature. The State Project Development Office forwards the signed title page to the district for insertion into the FEIS. For state funded projects, the FEIS is submitted to the DOE and other state agencies only for informational purposes.

Circulation, distribution, and coordination of the FEIS is a shared responsibility between the district and the headquarters Project Development Office. The headquarters Project Development Office circulates it to headquarters offices, the Attorney General,

DOE, the State Library, and FHWA if it is a federal aid project. The district circulates the FEIS to any person, organization, or agency that submitted substantive comments, any agency authorized to issue permits, and public institutions for public review.

(c) **Final Section 4(f) evaluation.** When the selected alternative involves the use of Section 4(f) property, a Section 4(f) evaluation is included as a separate section in the FEIS. The final evaluation contains:

1. All information required for a draft evaluation found in 220.04(7).
2. A discussion supporting a conclusion that there are no feasible and prudent alternatives to the use of the Section 4(f) property. The discussion must demonstrate that there are unique problems or unusual factors involved in the use of other alternatives and that the cost, environmental impact, or community disruption resulting from such other alternatives reaches extraordinary magnitudes.
3. A discussion documenting that the proposed action includes all possible planning to minimize harm to the Section 4(f) property.
4. A summary of the formal coordination with the Department of Interior, and, as appropriate, the U.S. Departments of Agriculture, and Housing and Urban Development.
- 4a. A copy of the Memorandum of Agreement with the Council on Historic Preservation. (See 220.04(8)(e).)
5. Copies of all formal coordination comments received and response to questions.
6. Concluding statement "Based upon the above considerations, it is determined that there is no feasible and prudent alternative to the use of land from the Section 4(f) property and that the proposed action includes all possible planning to minimize harm to the Section 4(f) property resulting from such use."

(d) **Record of Decision (ROD).** This document is prepared by the district in draft form and accompanies the FEIS through the review and approval process. The ROD is only required on federally involved projects and includes the information required by Section 1505.2 of the CEQ Regulations.

The headquarters Project Development Office obtains the approved ROD from the federal agency and circulates it to the State Construction Engineer, the State Operations and Maintenance Engineer, and the district, and advises that the project may advance to the design stage.

The following format is used:

1. **Decision.** Identify the selected alternative. Reference to the FEIS may be used to avoid repetition.
2. **Alternatives Considered.** Briefly describe each alternative (with reference to the FEIS, as above), explain and discuss the balancing of values underlying the decision. Values for economic, environmental, safety, traffic service, community planning, and other decision factors may be different and be given different levels of relative importance. Identify each significant value and the reasons why some values were considered more important than others. The ROD should reflect the manner in which these values were considered in arriving at the decision. Identify the environmentally preferred alternative or alternatives. In addition, if Section 4(f) property is used, the Section 4(f) evaluation is summarized.
3. **Measures to minimize harm.** Describe all measures to minimize environmental harm that have been adopted for the proposed action. State whether all practicable measures to minimize environmental harm have been incorporated into the decision and, if not, why.
4. **Monitoring or enforcement program.** Describe any monitoring or enforcement program that has been adopted for the specific mitigation measures, as outlined in the FEIS.
5. **Commitment List.** Include an item-by-item list of commitments and mitigation measures from the commitment file. The list serves as a ready reference for the design, construction and maintenance of the project.

(e) **WSDOT/FHWA Corridor.** For corridor projects, the headquarters Project Development Office requests corridor approval from FHWA and the State Transportation Commission. FHWA corridor approval is required only for interstate projects.

220.05 CLASS II, CE

(1) Project Initiation

The district initiates the project by submitting a Work Order Authorization to the Program Development Engineer for review and approval. Upon approval of the Work Order Authorization, the project may proceed.

(2) Environmental Documentation

(a) **NEPA.** Federally funded projects are classified as Categorical Exclusions (CE) if they are included in one of the actions identified in 23 CFR 771.117.

Actions requiring no further federal environmental documentation because of blanket approval received from FHWA are identified in 23 CFR 771.117(c).

The remaining actions are approved as CE's when FHWA has approved the Environmental Classification Summary (ECS). These then require no further federal environmental documentation. If any CE project affects Section 4(f) properties a separate Section 4(f) evaluation document is required as outlined in 220.04(7). Supporting documentation must also be prepared for CE projects that may affect wetlands, farmlands, flood plains, or cultural resource properties. Supporting documentation is submitted with the ECS form.

The district identifies projects that have received prior CE concurrence when submitting the project design to the headquarters Project Development Office for approval. The design transmittal includes the date of FHWA concurrence.

Projects which are NEPA CE's having both federal and state funds, must still satisfy SEPA requirements. These projects may need environmental approval both as a NEPA CE and a SEPA Determination of Nonsignificance.

- (b) **SEPA.** Projects funded by state funds only or by a combination of state and federal funds must satisfy one of the following SEPA requirements. In all cases the required SEPA action is identified on the ECS when it is approved by the State Project Development Engineer.

Projects are approved as Categorical Exemptions (CE) when the project meets the requirements of WAC 197-11-800 (SEPA Guidelines). The ECS identifying the project as a SEPA CE is the only environmental documentation necessary. SEPA actions requiring a checklist are identified in 220.06(6)(c).

220.06 CLASS III, EA/CHECKLIST

(1) Project Initiation

Environmental Assessment projects are initiated by the district submitting a Work Order Authorization to the Program Development Office for review and approval. The Program Development Office then notifies the district and the headquarters Project Development Office that the Work Order Authorization is approved. As required, the headquarters Project Development Office contacts the district to coordinate project environmental and public involvement requirements.

(2) Appointment of Disciplines and Project Manager

After approval of the Work Order Authorization, the district appoints various disciplines to conduct all studies necessary for EA preparation and a Project Manager (PM) to be responsible for development of the project. These projects do not require the appointment and use of

a formal IDT but use various disciplines in an interdisciplinary approach for needed investigations.

(3) Coordination

As appropriate, the district coordinates with affected federal, state, and local agencies, Indian tribes, and the public in determining the scope of the action, alternatives to be considered, and significant issues to be addressed. The PM is responsible for conducting the coordination. During the early coordination process, FHWA in cooperation with WSDOT requests other agencies with involvement to become cooperating agencies. By law, federal agencies with jurisdiction must be requested to become cooperating agencies. The district makes these requests in writing and sends a copy to the headquarters Project Development Office.

(4) Data Collection, Inventory, and Evaluation

The various disciplines conduct studies to assess social, economic, and environmental impacts. The depth of study varies with the magnitude and setting of the proposal. Generally, discipline studies for an EA are developed using the same method outlined for EIS projects in this section. Studies are carried out to the point where a determination can be made as to the extent of environmental impact. If significant impacts are found, the district determines whether satisfactory mitigating measures can be incorporated into the project to reduce the impacts to insignificance or to begin the EIS process.

(5) Public Involvement

The district conducts public meetings, does mailings, and uses other methods appropriate to the magnitude and scope of the project to provide and obtain information to assist in developing the project. Public involvement methods are discussed in Chapter 210.

(6) Reports and Recommendations

- (a) **Discipline Reports.** Refer to 220.04(8).

- (b) **Environmental Documents - NEPA.** The district prepares a preliminary Environmental Assessment (EA) in accordance with the *Environmental Procedures Manual* M 31-11. Include an area map, vicinity map, site plan, photogrammetric maps (to depict the environmental setting), discipline reports, and any agency coordination letters such as endangered species listings, prime and unique farmland determinations, archaeological/historic reports, etc. If the project involves Section 4(f) lands, a separate evaluation is required as per 220.04(7) and 220.04(10) and is included as a separate section in the EA.

The preliminary EA and Section 4(f) evaluation are submitted to the headquarters Project Development Office which circulates the documents to appropriate WSDOT headquarters offices and the federal lead

agency for review and comment. If the reviewers determine that the proposal may have significant environmental impacts, the proposal is reevaluated to determine whether the significant impacts can be appropriately mitigated or eliminated. If the impacts cannot be eliminated an EIS is required. If no significant impacts are found, the headquarters Project Development Office returns the preliminary EA, with comments, to the district for revisions. The revised EA is resubmitted to the headquarters Project Development Office for approval.

The headquarters Project Development Office then requests federal concurrence to publish a notice announcing the public availability of the EA. The public review and comment period for an EA is 30 days. If a Section 4(f) evaluation is included, a 45 day public review and comment period is required. The headquarters Project Development Office also circulates the document to the federal lead agency, SHPO, and cooperating agencies. If Section 4(f) property is involved, the district circulates the document to the Department of the Interior and to the agency with jurisdiction over the Section 4(f) property.

At the conclusion of the public availability period, the district evaluates all comments received, including comments from public hearings, meetings, and open houses. The district responds to the comments and revises the document as necessary. If comments are minor, the district may issue an addendum referencing changes in the EA. The headquarters Project Development Office submits the final EA to the federal agency requesting a Finding of No Significant Impact (FONSI). After the federal agency issues the FONSI, the headquarters Project Development Office returns the signed FONSI to the district. The headquarters Project Development Office notifies the Department of Community Development (Clearing House) via letter that a FONSI is available from WSDOT or the federal lead agency.

(c) Environmental Documents - SEPA.

1. If the project does not involve another agency with jurisdiction; demolition of any structure or facility not exempted by WAC 197-11-800(2)(f) or 197-11-880; or issuance of clearing or grading permits not exempted in Part Nine of SEPA rules; but does require new easements; additional right of way; widening of more than a single lane; or any other action which is not SEPA exempt; the district will:
 - a. Prepare the checklist and the DNS.
 - b. Obtain the signature of the District Administrator or his designee.
 - c. Send a copy to the headquarters Project Development Office.

- d. Submit a copy to the DOE headquarters for listing in the SEPA register.
 - e. Process is complete.
2. If the project requires approvals from other agencies with jurisdiction; the district will:
 - a. Prepare the checklist and the DNS or mitigated DNS.
 - b. Obtain the signature of the District Administrator or his designee.
 - c. Submit a copy to the headquarters Project Development Office for review and concurrence of mitigation measures before circulation.
 - d. Circulate for a 15-day review and comment period (in accordance with WAC 197-11-340(2)(b) or WAC 468-12-510(a)) to:
 - DOE headquarters.
 - DOE regional office.
 - Newspapers of general circulation in the project vicinity (indicate option to publish).
 - Agencies with jurisdiction.
 - Affected Indian tribes.
 - e. Evaluate review comments then proceed to:
 - Confirm the validity of the DNS; or
 - Prepare a mitigated DNS and revised checklist and recirculate in accordance with WAC 197-11-350 (see 2a above); or
 - Withdraw the DNS in accordance with WAC 197-11-340, prepare a Determination of Significance and proceed with an EIS.

If environmental documentation is needed to support the DNS, such as preservation of farmlands determination, archaeological/historical surveys, wetland reports, flood plain evaluations, or other expertise reports, the district requests the preparation of expertise reports and coordinates the processing of the reports to the appropriate agencies. Informational copies are also sent to the headquarters Project Development Office.

When either NEPA or SEPA proposals involve project commitments, these commitments will be recorded and completed as required for more major projects. See 220.08.

3. The NEPA-EA document can also be used to satisfy SEPA requirements. When the EA is approved, the district adopts the EA in accordance with part six of WAC 197-11 and WAC 197-11-340(1). The Adoption Notice, WAC 197-11-965, is filled out by the district and

circulated to DOE, to agencies with jurisdiction, to local agencies in which the proposal will be initiated, and to persons or organizations who have responded to the proposal in writing. An information copy is also sent to the headquarters Project Development Office.

When EAs or SEPA checklists contain commitments, commitment files will be established as per 220.08(3).

(7) Hearing and Notices

EA projects require a hearing when there is substantial controversy, when WSDOT wants a hearing, or when an agency with jurisdiction requests a hearing. For additional information refer to 220.04(9) and Chapter 210.

EAs normally have less potential for environmental impacts and public controversy and, consequently, less potential for public hearings. Prepare the EA in advance of any public hearing. The public hearing notice requirements follow the format and time schedule outlined in 220.04(9) and WAC 468-12-510. The notice of the public hearing published in local newspapers announces the availability of the EA and where it can be obtained or reviewed.

When a hearing is not required, the district publishes a notice in the local newspaper (similar to a public hearing notice) advising the public that the EA is available for review and comment and where the document may be obtained. Public availability and comment periods are identified in 220.06(6). The headquarters Project Development Office sends a notice of the availability to the Department of Community Development Clearing House.

After all environmental documents have been approved and finalized, they are returned to the district and the project may advance to the design stage.

220.07 PROJECT REEVALUATION

The district shall reevaluate a document any time it feels that single or cumulative conditions have changed which might cause new or more severe environmental impacts. Reevaluation is required when any one of the following conditions exist:

- An acceptable FEIS has not been submitted to FHWA within 3 years from the date of the DEIS circulation.
- Major steps to advance the project (such as approval to acquire a substantial portion of the right of way, or approval of PS&E) have not occurred within 3 years from FEIS approval.
- Any change is made to the proposed action and it is uncertain if a supplemental EIS is required. The district reevaluates the project by conducting appropriate environmental studies or, if necessary, by preparing an EA to assess the impacts of the changes.

When any of the conditions above exist, the reevaluation is submitted in written form to the headquarters Project Development Office. The headquarters Project Development Office reviews the reevaluation and forwards it for review and approval to the same federal office that approved the original EIS.

If the reevaluation identifies significant changes in the proposed action, the affected environment, the anticipated impacts, or the proposed mitigation measures, a new or supplemental document is prepared and circulated. For additional guidance on project reevaluations refer to 23 CFR 771.

220.08 PROJECT REVIEWS

(1) References

- NEPA Sections 1505.2 and 1505.3.
- 23 CFR 771.127.

(2) Procedures

- The district ensures that decisions made in environmental documents are accomplished in design and construction of projects, and maintained or improved during the life of the project.
- The district continues to maintain the project environmental commitment file which follows the project through design, right of way acquisition, PS&E, construction and maintenance. See No. (3) below.
- When requested by commenting agencies or the public, the district develops a progress report on the project mitigation implementation program and makes it available to those initiating the request.
- As requested, WSDOT makes available results of implemented mitigation measures established in the environmental document to the public upon request.
- During construction, the district implements the mitigation measures and monitors maintenance of environmental mitigation to ensure it is satisfactorily maintained or improved. The district must request concurrence from the headquarters Project Development Office for any significant alterations in mitigation measures agreed to during the environmental process, even when changes are made during construction or maintenance.
- When unique or unusual mitigation is required, the headquarters Project Development Office conducts periodic reviews during construction and/or operation to evaluate the effectiveness of mitigation measures that were incorporated into the contract.

(3) Commitment File

As an initial part of project development, the district establishes a project commitment file. Establishment of this file generally coincides with preparation of the environmental document or could be at later stages as required. The file consists of proposed mitigating

measures, commitments made to resource or other agencies with permitting authority, and other commitments made on the project. The file normally consists of design and environmental commitments. Other commitments may be added at the district's discretion, such as right of way, access, maintenance, permits, and agreements.

The district continues to maintain the commitment file as a project progresses through its development process. Whenever commitments are made, they are incorporated into project documents and transferred from one phase of the project to the next. Commitments are normally included or identified in the following documents or actions:

- Environmental documents.
- Design reports.
- Right of way plans.
- Access plans.
- Findings and order.
- Contract plans.
- Pre-construction conference.
- Change orders.
- End of project report.
- Maintenance.

To organize and track commitments made during the development and implementation of a project, a "Record of Commitment," DOT Form 220-021, is used which provides two functions:

- (a) Establishes a permanent record of the commitment in paper form.
- (b) Establishes the means of locating and summarizing commitments of a specific type through the use of a computer file.

When a commitment is made, record it on the Record of Commitment form. The form contains the detail necessary to document the commitment, including references to correspondence, agreement numbers, etc.

For easy retrieval, the information on each completed form is entered into the district computerized commitment file (and the form is then filed) according to state route, milepost, and date.

A commitment may be revised when all parties involved agree to the revision.

A computer system maintains a (statewide) summary of commitments. As each commitment is made, this Commitment Summary File receives data from the districts. Commitments can be identified according to route and milepost, district, date made, type, or responsibility.

When commitments are completed, the computer files and the forms are updated with the date the commitment was finished and appropriate comments. Records (forms) on completed commitments should be retained for at least a year after the completion date. Commitments requiring ongoing maintenance need to be retained in the files as long as the commitment is active.

When project documents reach headquarters, the headquarters Project Development Office reviews design reports and PS&E for inclusion of appropriate commitments. The headquarters Project Development Office also coordinates an annual review of selected commitments to evaluate the effectiveness of the commitment implementation process. Normally, two projects are reviewed in each district by environmental, design, construction, and maintenance personnel from headquarters and the district. The results of the evaluation, with appropriate recommendations, are furnished to the district.

ENVIRONMENTAL PROCESS FLOW CHART

